

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission,	:	
On its Own Motion	:	
	:	07-0483
Development of Net Metering	:	
Standards Required by P.A. 95-0420.	:	

ORDER

By the Commission:

On August 24, 2007, the Net Metering Statute became law. Section 107.5(h) of this statute requires this Commission to have standards in place regarding net metering. (220 ILCS 5/16-107.5(h)). Accordingly, on September 18, 2007 this Commission entered an Order commencing the instant docket.

On March 19, 2008, this Commission entered an Order authorizing submission of the Second Notice of the proposed Rule to the Joint Committee on Administrative Rules ("JCAR"). The proposed Rule was submitted to JCAR and JCAR considered it at its meeting which convened on April 15, 2008. JCAR issued its certification of no objection at that time, ending the Second Notice period.

During the First Notice period, the Commonwealth Edison Company; ("ComEd") MidAmerican Energy Company; ("MidAmerican") the Ameren Illinois Companies; ("Ameren") the Illinois Attorney General; (the "AG") the Environmental Law and Policy Center; (the "ELPC") Commission Staff; Constellation New Energy, Inc. ("Constellation") and the Retail Energy Suppliers Association ("RESA") filed Comments and Reply Comments. The Second Notice Order of March 19, 2008, which was a Post-Exceptions Proposed Order, addressed the issues raised in those Comments as well as the issues raised in the Briefs on Exception.

Commission Analysis and Conclusions

We conclude that Part 465, which concerns net meters, should be adopted. We note that there is no language in the Net Metering Statute, 220 ILCS 5/16-107.5, creating an exception to Section 9-241 of the Public Utilities Act, which provides, in pertinent part:

No public utility shall, as to rates or other charges . . . make or grant any preference or advantage to any corporation or person. . . . No public utility shall establish or maintain any unreasonable difference as to rate or other charges. . .

(220 ILCS 5/9-241). We further note that the General Assembly is presumed to know the law in effect at the time a statute is enacted. (See, e.g., *Randall v. Wal-Mart Stores*, 284 Ill. App. 3d 970, 972-73, 673 N.E.2d 452 (4th Dist. 1996)). Moreover, we are required to construe the Net Metering Statute in a manner that renders it harmonious with other portion of the Public Utilities Act. (*Collinsville Community Unit School Dist. No. 120 v. Regional Board of Trustees of St. Clair County*, 218 Ill. 2d 175, 186, 843 N.E.2d 273 (2006); *Land v. Chicago Board of Education*, 202 Ill. 2d 414, 422, 781 N.E.2d 249 (2002)).

Finding and Ordering Paragraphs:

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and funds that:

- (1) the Commission has subject-matter jurisdiction and jurisdiction over the parties;
- (2) the proposed Rule, 83 Ill. Adm. Code 465, as reflected in the attached Appendix, should be adopted, with an effective date of May 15, 2008;
- (3) notice of the adopted Rule should be submitted to the Illinois Secretary of State pursuant to Section 5-65 of the Administrative Procedure Act.

IT IS THEREFORE ORDERED THAT THE PROPOSED Rule, Part 465, as reflected in the attached Appendix, is adopted, wit an effective date of May 15, 2008.

IT IS FURTHER ORDERED that notice of that adopted rule shall be submitted to the Illinois Secretary of State pursuant to Section 5-65 of the Ill. Administrative Procedure Act.

IT IS FURTHER ORDERED that pursuant to Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 7th day of May, 2008.

(SIGNED) CHARLES E. BOX

Chairman